

TOWN OF SCITUATE



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Planning Board

**Special Permit – Mixed Use in the Village Business Overlay District
14 – 16 Old Country Way**

Decision: APPROVED with Conditions

Applicant: 14-16 Old Country Way, LLC, Robert Proctor, Manager
Address: 75 Gilson Road, Scituate, MA 02066
Owner: 14 – 16 Old Country Way, LLC, Robert Proctor, Manager
Address: 75 Gilson Road, Scituate, MA 02066
Request: Approval of Special Permit for Mixed Use in the Village Business Overlay District under Scituate Zoning Bylaw Section 560
Date: November 23, 2020
Location: 14 -16 Old Country Way, Scituate, MA 02066
Assessor's Map: 48-2-56 & 57
Zoning District: Business, Village Business Overlay District, Water Resource Protection District, Zone A
Hearing Dates: July 9, 2020, September 10, 2020, November 12, 2020
Members Hearing Special Permit Application: Ann Burbine, Stephen Pritchard, Rebecca Lewis, Benjamin Bornstein and Patricia Lambert.
Decision: **Approved with conditions by a unanimous vote**

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Background:

14 – 16 Old Country Way, LLC, Robert Proctor, Manager of 75 Gilson Road, Scituate, MA (the “Applicant”) is proposing a Village Business Overlay District (“VBOD”) mixed-use project, including commercial and residential uses at 14 – 16 Old Country Way, Scituate, Massachusetts. The existing site will be reconfigured and reconstructed to accommodate the site improvements and

new uses. All of the proposed work, including the site work, new buildings, site infrastructure and site improvements are collectively referred to herein as the “Project”.

The property is a 29,249 sq. ft. (.67 +/-AC) upland parcel improved with two existing dwellings, three sheds, and concrete and bituminous concrete driveways and an underground 24” RCP pipe going through the entire site. The 24” RCP outlets across Old Country Way and is a tributary to Old Oaken Bucket Pond.

The site is located in the new Village Center and Neighborhood District; however a Preliminary Subdivision Plan was filed on April 1, 2019 which was approved and followed up within 7 months with a Definitive Subdivision which was filed on September 25, 2019 which was approved on February 13, 2020 and endorsed on March 12, 2020. This allows for an 8 year zoning freeze for the zoning bylaws which were in effect at the time of the first filing which is the 2018 zoning bylaw voted at the Annual Town Meeting on 4/10/2018, approved by the Attorney General on June 4, 2018 and printed on June 21, 2018. The resultant zoning in effect is the Business District, VBOD Overlay District (Section 560) and the Water Resource Protection District (WRPD) Zone A zoning.

The Scituate Zoning Board of Appeals (ZBA) filed a decision for a finding on 6/25/2019 under Scituate Zoning Bylaw Sections 820 and 950.2D, 520 and G.L. Ch.40A, Section 6 so that the Applicant is allowed to alter and reconstruct the pre-existing non-conforming structures resulting in the impermeable material of the Property shall be no more than 40% post development. The ZBA’s relief also includes the “extension, alteration, reconstruction, and continuances of the Nonconforming uses within the Zoning Bylaw Section 520 150-ft. non disturbance buffer zone as proposed, and the reduction in the maximum impervious surface from 44% to 42.5%”.

In the VBOD, the Planning Board can issue a special permit for a mixed use development including one or more mixed use buildings with 16 residential units per 40,000 sq. ft. of land area without significant public benefit or 17 – 20 residential units per 40,000 sq. ft. with significant public benefit. The proposed mixed-use Project will have access from Old Country Way in one location. The Applicant is proposing to construct six (6) residential condominium units located in two two-story buildings with Units 1-4, in one building, having one outside and one garage space for each of the four units and Units 5 and 6 on the second floor of the northern “barn” building with two outside parking spaces for each unit. There will be two commercial spaces in the barn building with four to six interior parking spaces in the interior of the commercial spaces and no outside spaces. The Applicant is not proposing any density bonus. The commercial space will be used by tradesmen and have a total of 3,370 sq. ft. on the first floor with no space on a second floor.

The four (4) unit residential building contains four 2-bedroom units requiring 2 spaces per unit for a total of 8 spaces. This has been provided. The mixed use building with two residential units requires 4 spaces which have been provided for a total of 12 residential spaces. The commercial area has 3,370 sq. ft. in two (2) first floor shops. Per the Town Zoning Bylaw, the Planning Board may reduce required parking for residential units in mixed use buildings in Greenbush to 1 space per one bedroom units and 1.5 spaces per 2 bedroom units. The Applicant has not asked for this and is seeking to meet the bylaw requirement of 1 parking space per bedroom indicated in Section 760 of zoning bylaw.

The Project will be serviced by Town water and sewer. The water and sewer divisions have indicated their requirements with respect to lines and sewer betterment fees. The total wastewater design flow will be 1520 gallons per day (“gpd”). The proposed stormwater management system consists of roof areas being piped to separate subsurface recharge systems located to the rear of each building. A subsurface recharge system also handles stormwater for the pavement and then discharges it to a bio retention system. The rate and volume of post development conditions does not exceed pre-development conditions for the 2, 10, 25 and 100 year storms. A water quality Best Management Practice (BMP) treats the first 1” of runoff to the maximum extent practicable as required and 90% Total Suspended Solids (TSS) are required to be removed as the site is in the WRPD which the calculations indicate will be achieved with 96% TSS removal. Massachusetts Department of Environmental Protection (MA DEP) Stormwater Management Regulations and the requirements of the Town of Scituate Stormwater Bylaw and its regulations have been met.

The Applicant submitted a Stormwater Management Report by Ross Engineering Co., Inc. stamped by Gregory J. Tansey, P.E. This report and the accompanying mixed use special permit plans were reviewed by the Town’s consulting engineer, Janet Carter Bernardo, P.E. of the Horsley Witten Group, who submitted detailed comments to the Planning Board. In response to these comments, the Applicant provided revised reports and plans which, after further review by the consulting engineer, were found to address the her comments and recommendations or could be conditioned.

Public benefits are not required as part of this project and the Applicant has not committed to any.

Procedural Summary:

An application for a Mixed Use Development Special Permit in the VBOD was filed with the Town Clerk on May 4, 2020. A Public Hearing on the Special Permit was duly advertised and notices sent to all abutters in accordance with M.G.L. Chapter 40A. The Public Hearing was opened on July 9, 2020 with in person and remote participation due to open meeting law provisions for the COVID-19 pandemic. The public hearing was continued to September 10, 2020 and November 12, 2020 when the hearing was closed and the Special Permit was approved with conditions. All members were at all sessions where testimony and evidence was presented or filed a Mullin Rule Certification for missing only one meeting.

Hearing Summary:

When the public hearing was opened on July 9, 2020, the Applicant was present and represented by himself along with his attorney Jeffrey DeLisi and site consultant Paul Mirabito of Ross Engineering. Janet Bernardo of Horsley Witten Group, as the Town’s peer review engineer, was present via remote participation. Karen Joseph, Town Planner and Shari Young, Planning Board Assistant were present. Ms. Burbine read all of the comments received including the Water Division, Conservation Commission, Water Resource Committee, Fire Department, and Sewer Division.

Mr. DeLisi made a presentation for the Project. He indicated the property is in the General Business District and Water Resource Protection District on a 29,249 sq. ft. lot with 2 pre-existing non-conforming dwellings and 44% impervious cover. He said the site has frontage on Old Country Way

and Jenkins Place with Town jurisdiction of the Planning Board, Conservation Commission and ZBA. He indicated a Notice of Intent had been filed. Mr. DeLisi presented a plan that was originally presented to the ZBA that the abutters did not like and indicated the plan has been reworked to be acceptable to the neighbors. He indicated the plan proposes six 2 bedroom units of 800 – 820 sq. ft. and 3 shops of a total of 3,808 sq. ft. with 300 sq. ft. of commercial space on the second floor of the middle shop unit. He said the bylaw allows for parking to be at 1.5 spaces per a 2 bedroom unit versus 1 space per bedroom for 9 or 12 spaces. Mr. DeLisi indicated the parking for the commercial spaces is in the inside of the building and 7 spaces are provided. He said they are showing 19 spaces, but believe 15 or 12 spaces are required. He indicated that the zoning on the property is that which was in effect in 2019 under the VBOD as they had already done much design work. He opined the Board would not need to make findings with the VBOD zoning. He said more than 50% of the site is being kept as open space and no bonus density is sought nor is affordable housing being provided; however the unit sizes provide an alternative. He indicated they met the purposes of the bylaw to provide opportunities for local and small scale businesses, encourage alternate modes of transportation, provide higher density mixed use in the village center along with a variety of housing and provide efficient provision for utilities and community services.

Mr. Mirabito indicated that the front building has 4 residential units and the back has 2 on the upper level with the 3 shops on the lower level. He reviewed the parking for the front units is 1 garage space per unit and one outside tandem space and the rear building has 4 parking spaces labeled 9-12. He said the storm water system consists of underground infiltrators for the rear portions of the rear building and front building to provide for clean roof runoff. He said the front portions of both buildings and the driveway discharge to infiltrators under the driveway which then flows to a bio retention basin. He said the infiltrators will hold the weight of a fire truck. He said the buildings will tie into the sewer on Old Country Way and there is a new 12” ductile iron water main in the street that they will connect to.

Ms. Burbine asked if the 10’ pavement strip out to Jenkins Place would be removed. After discussion, it was indicated it will be grass. Mr. Pritchard asked who owns the 24” pipe traversing the site and who has the obligation to maintain it. Mr. Mirabito indicated the applicant owns it and it collects water from a seasonal stream that comes from the old landfill on Stockbridge Road and it directs water to the pond. He said they ran a camera through the pipe to obtain an exact location for the survey. Mr. DeLisi said he will add an easement to the condominium documents giving the Town the right to come on the property for maintenance should the owners not do the maintenance. Mr. Pritchard asked if it was feasible to construct subsurface system 1 right next to the pipe and the difference in elevations between the two. Mr. Mirabito indicated it can be done and the location of the pipe will need to be staked during construction. The Board questioned the location and the Applicant committed to reviewing the situation. Utility locations were reviewed.

There was discussion about the uses of the shops. Mr. DeLisi read the language of the zoning bylaw indicating that the shops will likely be that of a carpenter, electrician or plumber. He indicated it would be similar to the property on Ford Place. It was further noted that there are restrictions in the WRPD prohibiting painting, woodwork preserving, furniture stripping, photographic processing and others and signage will be needed for what is allowed. Ownership of the building was questioned.

At one point the applicant's attorney indicated they were rental; however further discussion seemed to suggest the units were condominiums and appropriate documents would need to be submitted.

Ms. Bernardo reviewed the major items in her engineering peer review including façade treatments of glazing and awnings, permeable pavement will not be used, parking and coordination of architectural with the site plan, compliance with WRPD bylaws for 3 feet of separation to groundwater, replacement of soil on site which may increase the infiltration rate in the Zone A, infiltration in the Zone A is general, spill containment and technical pieces in the Operation and Maintenance Plan. Ms. Bernardo clarified the entire site is within the Zone A.

Ms. Joseph indicated that the applicant needs to make sure accommodations are made for pedestrian activity as there may be a sidewalk on Old Country Way in the future and for a bicycle rack. She opined that two construction entrances are not necessary for a site this size and wanted the one by the culvert removed. The Board asked for verification that the stormwater system can take the load of a fire truck, limits on the pavement, location of the bicycle rack, total water usage, clarification from the ZBA on their 2019 decision on 40% or 42.5% post development impervious surface coverage, a review of the architectural design by the Design Review Committee (DRC), uses within 150 feet of a tributary to Old Oaken Bucket Pond, uses as correlates with parking numbers and they questioned the proximity of the bioretention area of 2.5' from the property line.

Several abutters expressed their opinions of the development. (See public comment below)

At the September 10, 2020 hearing Attorney DeLisi, Paul Mirabito of Ross Engineering, Robert Proctor and architect Kelly Connellan were present. Ms. Burbine read the comments from the Design Review Committee which indicated the scale of the building was appropriate was the window spacing and proportion. They indicated their approval of the north barn building. Hal Stokes of the DRC indicated their meeting with the Applicant resulted in the DRC recommending approval of the development with the following notes:

- Discuss site lighting;
- DRC suggests taking advantage of Old Country Way façade on residential building by creating a focal point i.e. bay window in the kitchen of the unit
- DRC suggests trees on east side of driveway to frame development

Mr. DeLisi recapped that revised Site Plans have been submitted along with revised a Operation and Maintenance Plan, Long Term Pollution Prevention Plan and Alternatives Analysis. He said Fire Department Comments have been addressed. He clarified that there is one shop has 300 sq. ft. of office space and storage space on the second floor for the first floor shop. Mr. Mirabito reviewed the setbacks and said the barn building was reduced in length by 5-6 feet. He reviewed the drainage system including the changes to the bioretention area. The 24" RCP pipe running through the site was discussed. The Applicant will provide an easement for the Town to have the right to enter and maintain the pipe should the applicant not. Mr. Mirabito explained the resource areas which have not been confirmed by the Conservation Commission yet.

Janet Bernardo of Horsley Witten indicated the layout of the internal spaces in the barn is unclear, the Alternatives Analysis was needed as the project is discharging into the Zone A and the Board

should opine if the analysis is acceptable to them as she feels it is satisfactory and the Board should opine if they are satisfied with the plan as the peer review is done to review the project for conformance to the Zoning Bylaws, Stormwater bylaws and regulations and DEP standards.

The Board expressed concern over the parking inside the barn building and if there would be room for the workshop of the tradesman with the parking. The Board opined the parking was insufficient. Mr. DeLisi said they are trying to keep parking to a minimum as they are in the Water Resource Protection District and trying to have the least amount of impervious surface as possible. Ms. Joseph when through the outstanding issues. The DRC had recommended a window change on the Old Country Way side of the residential building. Architect Ms. Connellan said they decided to flare the shingles around the entire building and enclose the back decks to add interest to the building. She said a window was added, just not a bay window. There was discussion about mitigation – a public benefit for Greenbush. There was discussion about a contribution for sidewalks in Greenbush. It was noted there will be solar panels on the building.

At the November 12, 2020 hearing session, Attorney Jeff DeLisi, applicant Robert Proctor and Paul Mirabito of Ross Engineering were present. Mr. DeLisi indicated that the plans have been amended to provide only two shops for tradesman so that the internal parking would be suitable and there would be sufficient workspace. He asked the Board to consider 2 parking spaces per shop, but did provide a plan to show that 3 spaces could be accommodated exceeding 1 space per 600 sq. ft. used on another similar project. He indicated there is no upstairs space in the shops now and the apartments have been expanded. He indicated an easement has been provided on the plan and language is in the Master Deed so that the Town can enter the property for access to the 24' pipe if needed. He said the Applicant will be before the Conservation Commission next week when the hearing should be closed. Ms. Joseph indicated the plans were changed and the board needs to decide on the shop parking and mitigation. Ms. Lambert was concerned about snow removal and snow melt because of the location of the project and that the snow storage areas may not be adequate. Mr. DeLisi said the O & M Plan discusses snow removal and there is a condition to include a revision to the O & M for deicing methods. The Board reviewed the Findings of Fact and Conditions and made changes which are included in the final version.

On November 12, 2020 the public hearing on the Mixed Use Special Permit in the Village Business Overlay District was closed after The Applicant provided a summary of progress on the draft decision. No public testimony was offered. The Planning Board voted to grant the Mixed Use Special Permit in the Village Business Overlay District for 14-16 Old Country Way, Robert Proctor Manager based on the Findings of Fact and subject to the Conditions as discussed.

Public and Town Department Input:

William Branton, of the Scituate Sewer Division, indicated that the plans for the sewer lines must show external cleanouts, that new manholes must be furnished with water tight frames and covers, rubber boots are required for manhole penetrations, he wanted more information on the warehouse units if they are one unit and hardware and indicated that a single betterment has been assessed for the lots at 14-14 Old Country Way and a sewer connection fee of \$16,000 per sewer unit is required for all connected buildings beyond the first unit. The Applicant's engineer responded that the sewer

connections will meet Sewer Department and DPW standards and the three warehouse units will have storage of shop materials and boat/auto storage on the ground floor and the other unit will have a shop below and an office above with appliances including a rest room and a shop sink and small kitchen appliances excluding a stove. The sewer division was satisfied with this response.

Sean Anderson, of the Scituate Water Department, indicated a separate domestic service line is required to feed the units and it is to be sized by the engineer or owner. The water records show an 8" cast iron main in Old Country Way. They indicate an inspection of the new fire main and service lines will be required.

Becky Malamut, of the Water Resources Committee, is concerned that the property is located within the 150 feet buffer of the tributary that runs to the town's surface water supply which is classified as a Zone A non-disturbance buffer zone. In this zone activities that cause earth movement or disturbance, vegetation removal or cutting and the construction or placement of permanent structures are prohibited. The plans call for all three of these activities which have been given a Section 6 Finding from the ZBA. She indicated the town has the responsibility to protect its drinking water supply and should therefore follow Section 520 of the zoning bylaw. She indicates that the first 1" of rooftop runoff must be recharges, no uses prohibited in the WRPD are allowed, availability and feasibility of disposal methods for hazardous waste or toxic materials must be shown, permeable pavement specifications must be provided, clarification of deicing agents in the Operation and Maintenance Plan must be clarified and drought tolerant landscaping should be used. She provided a few follow up comments asking about the impervious cover and details of the bio retention system which she reiterated during the public hearing session on 7/9/20.

The Conservation and Natural Resource Officer, Amy Walkey indicated that a Notice of Intent (NOI) has been filed with Conservation; however, the NOI has not been reviewed or approved and the resource areas have not been agreed upon at this time. She indicated by email on October 20, 2020 that the resource areas were agreed upon.

Alfred Elliott, Deputy Fire Chief, indicated that he wanted to confirm the subsurface infiltration system would support the weight of a fire truck, that the curb radii will meet fire department access road requirements, both buildings will require NFPA sprinkler systems and monitored fire alarm systems, a fire hydrant is needed near the driveway entrance preferably on the main in Old Country Way, a dedicated fire line is needed for fire protection for the residential building, an NFPA 241 Plan is needed during construction, Knox box keys are required for both buildings for emergency access, shop drawing review is required for the fire alarm and sprinkler system and the Fire Department will need to be present for systems acceptance testing.

Steve Monteiro of 9 Jenkins Place said he understood there will be 12 bedrooms with garage parking for 4, but asked where the rest of the parking was. The Board indicated there is tandem parking for 4 units with 4 cars to be parked inside in garages and 4 outside. He asked about the distance of the rear building to his property and was told it was 20'. Mr. Proctor added that there is a barn door on the back of the garage to break up the mass. Mr. Monteiro said the neighborhood does like how the plan looks now and appreciates the changes that have been made over the past two years.

Elaine Monteiro of 9 Jenkins Place asked what will be done between the back of the barn building and their property as they will experience loss of privacy. It was indicated that the barn building will have 2 floors and on the second floor will be the 2 living units and office space for the shop below. The Board added that there will need to be landscaping to the rear for privacy.

Thomas Keenan of 16 Jenkins Place asked for clarification on the “non-conforming uses”. He said he felt there was some bad math on what is being counted as permeable and not permeable. Mr. DeLisi clarified that the non-conforming issues deal with the WRPD. He said the first is the 150’ no disturb to a tributary to Old Oaken Bucket Pond. He said they are working within the 150’ buffer as there are uses that already are within that area and the ZBA agreed to let them work in that area. The second is that there is already impervious area of 44% on site which is over the 20% bylaw limitation and they requested the ZBA to allow that to continue. He reiterated that no uses not allowed in the district are proposed.

The Department of Public Works Engineering Division asked for the following:

- a 20 foot wide easement around the 24” drain pipe,
- care to be taken during construction to keep construction vehicles off the existing drain pipe’
- street opening permits will be required for each utility connection into the roadway,
- precautions should be used to prevent sediment from entering the pipe during construction,
- permanent markers should be placed over the existing drain line to protect and alert residents to the buried utility.

There was no public comment at the September 10, 2020 nor November 12, 2020 public hearing sessions.

Findings of Fact:

The following findings of fact based on information submitted by the Applicant and the testimony given during the Public Hearing were approved on November 12, 2020.

1. On May 4, 2020, the Applicant, 14-16 Old Country Way, LLC, Robert Proctor, Manager, filed an application for a Village Business Overlay District (“VBOD”) Special Permit under Scituate Zoning Bylaw Section 560 and Site Plan Approval under Scituate Zoning Bylaw Section 770. The Application included, but is not limited to, the following:
 - a. Application Form, locus deed, proof of paid real estate taxes, representative authorization;
 - b. Filing Fees and Abutters’ List;
 - c. Summary Results of Drainage System and Calculations;
 - d. Stormwater Report with supporting calculations and plans dated 4/24/2019;
 - e. Site Plan for 14 – 16 Old Country Way in Scituate, MA dated April 24, 2019 by Ross Engineering Co., Inc. consisting of 10 sheets;

- f. Architectural Plans for Proctor 14/16 Old Country Way Scituate, MA dated 4/13/20 by Jill Neubauer Architects consisting of 10 sheets;
 - g. Landscape Plan for 14-16 Old Country Way, Scituate, MA dated 4/10/20 by Bernice Wahler Landscapes; and
 - h. Zoning Board of Appeals June 25, 2019 decision.
2. The Property that is the subject of the Application is a 29,249 sq. ft. parcel located off of Old Country Way, Scituate, Massachusetts. The Property is currently improved with two residential buildings, sheds and bituminous concrete and concrete impervious surfaces and an underground 24" RCP pipe traversing the site out letting across Old Country Way and is tributary to Old Oaken Bucket Pond.
 3. The Project is located in the new Village Center and Neighborhood District. A Preliminary Subdivision Plan was filed on April 1, 2019 which was approved and followed up within 7 months with a Definitive Subdivision which was filed on September 25, 2019 which was approved on February 13, 2020 and endorsed on March 12, 2020. This allows for an 8 year zoning freeze for the zoning bylaws which were in effect at the time of the first filing which is the 2018 zoning bylaw voted at the Annual Town Meeting on 4/10/2018, approved by the Attorney General on June 4, 2018 and printed on June 21, 2018. The resultant zoning in effect is the Business District, Village Business Overlay District (VBOD) (Section 560) and the Water Resource Protection District (WRPD) Zone A zoning.
 4. The Scituate Zoning Board of Appeals (ZBA) filed a decision for a finding on 6/25/2019 under Scituate Zoning Bylaw Sections 820 and 950.2D, 520 and G.L. Ch.40A, Section 6 so that the Applicant is allowed to alter and reconstruct the pre-existing non-conforming structures resulting in the impermeable material of the Property shall be no more than 40% post development. The ZBA's relief also includes the "extension, alteration, reconstruction, and continuances of the Nonconforming uses within the Zoning Bylaw Section 520 150-ft. non disturbance buffer zone as proposed, and the reduction in the maximum impervious surface from 44% to 42.5%".
 5. The Project proposed by the Applicant consists of six (6) residential condominium apartments in two buildings. The west building will have four (4) residential units in a two story building. The east "barn" building will have two (2) residential units located on the second floor of the building. The residential units each have two (2) bedrooms for a total of 12 bedrooms. The west building provides eight (8) parking spaces for the units with four (4) outside and four (4) garage spaces, providing a total of two (2) spaces per unit. The west building has a maximum building height of 31'-8" to top of ridge which is less than the maximum height of 40' as set forth in the Scituate Zoning Bylaw.
 6. The east "barn" building will contain two (2) commercial rental units. The commercial rental units will be 1,685 sq. ft. each and provide shops for tradesmen such as carpenters, electricians, or plumbers. The east building has a maximum building of 35'-9 1/2" to top of ridge which is less than the maximum of 40' as set forth in the Scituate Zoning Bylaw. Parking for the residential portion of the east building is provided with four (4) outside spaces. Parking for the

commercial building is provided within the interior of the building with as little as four (4) and as many as six (6) inside spaces.

7. In the VBOD, the Scituate Zoning Bylaw permits a mixed use development provided that a special permit is obtained from the Planning Board in accordance with the provisions of Section 560. A mixed use development includes a group of structures containing retail, office and/or residential uses, and including one or more mixed use buildings and may include buildings containing only multiple dwellings as long as there is an existing or proposed mixed use building on the same lot. The Applicant's Project qualifies as a mixed use development as the east "barn" building is a mixed use building.
8. Section 560.4 A. of the Scituate Zoning Bylaw sets forth certain specific conditions applicable to mixed use developments. The Applicant has demonstrated on its plans and in its presentation that the lot or yard areas required for any new building or use do not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw.
9. The Applicant met with the Design Review Committee ("DRC") and Planning Department Staff, to review whether the proposed Project meets the Design Review Standards of Section 560.8. and 560.4B. Under Scituate Zoning Bylaw Section 750, the three-member, Design Review Committee is charged with making recommendations to the Planning Board on building and site design. Following discussions with the DRC and Planning Staff, the Applicant modified its original architectural plans to address compatibility of site features such as landscaping and parking with the building and its abutting properties. Based on the changes and as shown on the updated architectural renderings, the proposed Project meets the Design Review Standards of Section 560.8 (see also below).
10. Scituate Zoning Bylaw 560.4 C. requires 15% of the total number of units to be affordable to low and moderate income as defined in Section 560.7. In accordance with the Section 560.7, the project does not require any affordable units as there are less than 8 residential housing units.
11. Scituate Zoning Bylaw Section 560.4.D. requires applicants proposing mixed use development to concentrate retail uses in the center of each village, so they can better be supported by pedestrian activity and to accomplish this goal more than 50% of the net floor area of the first floor of a mixed use building shall be occupied by retail uses when on Country Way in Greenbush. The buildings are not on Country Way and thus this requirement is inapplicable.
12. Scituate Zoning Bylaw Section 560.4.E. sets forth certain dimensional requirements for mixed use buildings including limiting the number of units permitted to up to 16 units per 40,000 sq. ft. or the equivalent of 17 to 20 units per 40,000 sq. ft. if significant public benefits are provided. The Applicant's proposed Project is six (6) residential units which is less than the maximum of eleven (11) dwelling units that would be allowed based on the lot area.
13. The Applicant will devote 57.7% or 16,882 sq. ft. of the lot to open space which is in excess of the twenty percent (20%) required by Section 560.4.E. The Property has 143.8' of frontage on Old Country Way which is significantly more frontage than the required 20' and will be utilized to promote safe and convenient access by cars and pedestrians to and within the site.

14. Scituate Zoning Bylaw Section 760.6 sets forth the minimum requirements for parking as one space per residential bedroom. Scituate Zoning Bylaw Section 560.6 sets forth the parking requirements for mixed use buildings and parking in the VBOD which provides the Planning Board with the option to reduce the parking for residential units to 1.5 spaces for a two bedroom unit. The Planning Board may waive these requirements in the Greenbush area due to the proximity of the MBTA parking area and transit. With respect to the proposed commercial uses, the Zoning Bylaw does not set forth an exact parking requirement for shops of a plumber, electrician or carpenter; however, Section 760.6 does provide a catch all for “all other uses” which require parking spaces to accommodate normal demand as determined by the Planning Board. The Planning Board may reduce parking for office or retail in mixed use buildings to 1 space per 400 sq. ft. if the parking is within 400 feet of the MBTA parking lot and parking is available during hours of operation. This is irrelevant as the use is commercial.

With respect to the commercial component of the development, the Applicant has indicated he believes that two parking spaces per each 1,685 sq. ft. garage bay is adequate to accommodate normal demand since each bay would be rented by a single tradesman. Nonetheless, the Applicant has filed plans that indicate that the interior of these two commercial units can accommodate three cars per garage bay while still maintaining approximately 1,200 sq. ft. of working area per tradesman. The ratio of square feet per parking space is 842.5 sq. ft. in the case of two spaces and 561.6 sq. ft. in the case for three spaces. There will be no outdoor parking allowed for these shops. With respect to the residential component of the development, the Applicant proposes a total of 2 parking spaces per each of the four condominium units in the front building and two spaces per each of the two rental apartments. The proposed residential parking exceeds the requirements of 1.5 spaces per unit from the Bylaw requirements of Section 560.6. The Planning Board finds this is **adequate** for the proposed use.

15. As required by Scituate Zoning Bylaw Section 560.8, Design Review Standards, the Planning Board has considered the extent to which the Project satisfies the Design Standards detailed below:

- A. **Standard:** Roof pitched to center, dormers encouraged not more than 20’ in width, 8:12 pitch to roof; > 20% roof may be flat.

Finding: As depicted on the architectural plans, the proposed roof designs of the mixed use and residential buildings are consistent with the pitch, style, dormers, and design variation requirements of the Bylaw; and, therefore, meets the requirements of Section 560.8.A. The west residential building will have a minimum roof pitch of 8:12 with no dormers. The east (mixed use) building will have a roof pitch of 10:12 except for dormers which are exempt. Less than twenty percent (20%) of roof areas are flat or a design other than a sloped or pitched roof.

- B. **Standard:** Facades - a minimum of fifty percent (50%) of ground floor building façades and thirty percent of second floor building façades facing public ways shall be glazed.

Finding: The Applicant has proposed architectural features for the proposed buildings facing the public ways that have been recommended by the Design Review

Committee (DRC) and Planning Staff that include a mixture of glazed surfaces and finished surfaces of wood and garage doors. The glazing of the barn facing the public way is 18% and the residential unit is 19%. The Planning Board finds that the use of this design scheme recommended by the DRC and Planning Staff is superior to the glazing scheme contemplated by the Bylaw and **grants** a waiver to allow the approved design scheme as shown on the final architectural renderings.

- C. Standard: Front Yard Setbacks (min 10' and max 25' in Greenbush on all other streets besides Country Way and Driftway).

Finding: The Applicant's site plans demonstrate that the buildings meet the minimum and maximum front yard requirements as they are located within these dimensions. The residential building has a setback of 15'. There is no parking in the front yard setbacks in accordance with this standard. The Project accordingly meets the requirements of Section 560.8 C.

- D. Standard: Side Yard and Rear Yards Setbacks – 8' in Greenbush.

Finding: The plans indicate that all buildings will have a side and rear yard setback of at least 8' in accordance with this standard and, therefore, meets the requirements of Section 560.8 D.

- E. Standard: Special Setbacks – Scituate Harbor. Not applicable to Project.

- F. Standard: Greenbush Design Standards. To encourage new development on large parcels while visually maintaining the smaller residential scale characteristic of the area, the following limitations shall apply to mixed use buildings in Greenbush: (1) No building structure shall be longer than one hundred twenty feet measured along any side of the building which faces the street; and, (2) Front building facades shall be no longer than fifty feet (50) without articulation.

Finding: The plans indicate that the buildings facing a street are less than 120' along the side facing any street and front building facades are not longer than 50' without articulation in accordance with this standard and, therefore, meets the requirements of Section 560.8.F.

- G. Standard 1: Parking and Landscaping: Driveways shall be no greater than twenty-four (24) feet in width. Shared access to parking lots by two or more businesses is to be encouraged wherever possible.

Finding: The site access driveway is 20' which is less than twenty-four (24) feet in width in accordance with this standard and, therefore, meets the requirements of Section 560.8.G.1.

- H. Standard 2: Parking and Landscaping: A Landscape Plan shall be required for all submissions, except where waived by the Planning Board.

Finding: The Applicant submitted a landscape plan signed and sealed by a registered landscape architect in accordance with this standard and, therefore, meets the requirements of Section 560.8.G.2.

I. Standard 3: Parking and Landscaping: Special Standards for the Water Resource Protection District.

Finding: As the site is in the Zone A of the Water Resource Protection District, all stormwater is recharged on-site, impervious surfaces are reduced from the existing condition. Open space is at 57.7% which is greater than the required 20% on site and there are no existing natural areas on-site. There is landscaping in the front yard with new lawn area minimized.

J. Standard 4: Parking and Landscaping: New landscaping shall not include invasive plants, as identified on a list provided by the Planning Department, and to the greatest extent possible, existing invasive plants will be removed. Native plants shall be used in landscaping wherever possible. A note on the plan indicates invasive species on site will be removed.

Finding: The Applicant submitted a landscape plan showing appropriate plantings and prepared by a registered landscape architect in accordance with this standard and, therefore, meets the requirements of Section 560.8.G.4. No invasive plants are proposed and native plants are used where possible. A note on the plan indicates that existing invasive species will be removed.

K. Standard 5: Parking and Landscaping: Screening: All buildings and parking areas within 50' of an adjacent residential zoning district shall be screened on each side adjoining residential premises, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. Said screening shall be maintained in good condition and no advertising shall be placed thereon, and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections. Screening provisions may be modified or waived by the Planning Board for good cause.

Finding: Screening is proposed on the north and east sides of the property adjacent to existing residential uses. There are no applicable screening requirements in the Business and VBOD; however, the Applicant has proposed trees and plantings that will screen the buildings from abutting uses. Screening is proposed at the edge of the property to buffer abutting uses. Fencing is also provided at the north and east sides of the property.

16. As required by Scituate Zoning Bylaw Section 560.9, Special Permit Review Procedure, the Applicant engaged in the required Pre-Application Review and Review Process; accordingly, the Applicant met the requirements of Section 560.9.

17. Scituate Zoning Bylaw, Section 620.1 limits the building height of all structures in the Business zoning district, exclusive of chimneys, spires, towers and other projections not used for human occupancy to three (3) stories or forty (40') whichever is lower. The Applicant has met this

standard since the proposed buildings do not exceed two stories. The Applicant is proposing buildings that meet the building height requirements of Section 620.1 at approximately 35'-9 1/2" and 31'-8" to the ridge lines of the east and west buildings, respectively.

18. Scituate Zoning Bylaw, Section 770.6 sets forth the standard of review for approval of proposed site plans which are required for proposed mixed use developments.
19. Section 770.6.A Site Plan Approval Standard A: Protection of adjoining premises against detrimental and offensive methods of utilizing the site.

Finding: The proposed use replaces two existing dwellings with three existing sheds and concrete and bituminous concrete driveways. As depicted in the plans, the site work, drainage infrastructure, sewer connection, site plans and landscape plans of the proposed Project represent a significant improvement of the site. The use as developed will not adversely affect the neighborhood and will improve it, will not be an undue nuisance or result in any hazard to vehicles or pedestrians as a result of the proposed use or structures, and is designed with adequate and appropriate facilities to assure the proper operation of the proposed Project and minimize any impacts to the neighborhood and abutting properties. The abutting uses to the north, east and south are existing residential uses. The abutting use to the west is a business office. Accordingly, the proposed Project, meets the requirements of Section 770.6.A.

20. Section 770.6.B Site Plan Approval Standard B: Traffic safety and ease of access at street and highway entrances and exits of driveways, taking account of traffic volume, grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections and times of peak traffic flow.

Finding: The Project as proposed will have one driveway to the street which is a reduction from the three that are existing now. The traffic will be primarily residential with proposed traffic patterns similar to that which exists. Peak traffic flow is not likely to be an issue due to the projected varying tenant age groups. The Board determines that the proposed Project, as conditioned, provides for traffic safety and eases of access at the street and access driveways and will not create any undue congestion in the streets and ways abutting the proposed Project or in intersections within relevant proximity to the proposed Project.

21. Section 770.6.B Site Plan Approval Standard C: Safety and adequacy of driveway layout, pedestrian safety, off-street parking and loading sites, minimizing glare from headlights and light intrusion, sufficiency of access for service vehicles such as electricity, gas, fuel, telephone, laundry, rubbish removal, water, sewer, fire, police, ambulance or other routine or emergency vehicles.

Finding: The Board finds that the proposed Project has safe and convenient driveway access to Old Country Way, pedestrian safety has been considered in the site plan layout, makes adequate provision for off-street parking which meets the requirements of the Scituate Zoning Bylaw, that there is adequate truck and public safety access included for emergency vehicles, headlights of vehicles exiting the site will not shine upon any building used for human occupancy and utilities will be underground.

22. Section 770.6.D Site Plan Approval Standard D: Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on the site, safety and adequacy of water supply and distribution, and of firefighting facilities on the site.

Finding: The Board finds that the proposed structures will be serviced by Town water and sewer connections, new underground gas and electric service lines. A hydrant has been located near the driveway entrance. Trash disposal will be in the interior of each unit/building with no outside dumpster proposed.

23. Section 770.6.E Site Plan Approval Standard E: Adequacy of surface and storm-water drainage and snow-melt runoff within and from the site, including but not limited to all walkways, driveways, buildings, parking and loading areas.

Finding: The Board finds that the proposed site plans show adequate snow storage areas and as conditioned will not present any significant concerns arising from or relating to snow storage. The Applicant engaged Ross Engineering Co., Inc. to prepare a Stormwater Report with calculations to demonstrate that the proposed Project will meet state and local standards for the collection, treatment and disposal of stormwater. The Board engaged Horsley Witten Group to evaluate the adequacy and accuracy of Ross Engineering's report and data as well as the efficacy and adequacy of the design. Horsley Witten submitted detailed written comments to the Planning Board. In response to these comments, the Applicant and Ross Engineering provided responses, revised reports where requested and updated the site plans. After further review by Horsley Witten, the Applicant was determined to have adequately addressed Horsley Witten's comments and recommendations if the stormwater management system is built as designed. The Applicant has submitted a stormwater management plan and erosion and sedimentation control plan that ensures that the project will be managed appropriately before, during and after the completion of construction.

The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this special permit eliminates the requirement for a separate Stormwater Permit under the Stormwater General Bylaw and its regulations for any work that conforms to the plans. Gregory J. Tansey, P.E. has certified that the drainage system will result in post-development runoff characteristics (including peak flow, total volume of runoff and water quality runoff) to be equal or less than pre-development runoff characteristics.

The Applicant submitted an Alternatives Analysis to show that the highest practicable level of Stormwater Management will be implemented as required for infiltration in the Zone A. The Alternatives Analysis is attached to this decision. The Board finds that the site is a redevelopment site and the Alternatives Analysis shows that the treatment provided as shown on the plans provides the best option for stormwater for the site with the benefits of not being a point source discharge, 96% TSS removal, spill prevention measures are included, natural vegetation is used and there is an Operation and Maintenance Plan provided which is attached to this decision.

24. Section 770.6.F Site Plan Approval Standard F: For a site located within the Water Resource Protection District, provisions shall be made to protect against toxic or hazardous materials or oil discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as secured storage areas for toxic or hazardous materials or oil, and indoor storage provisions for corrodible or dissolvable materials.

Finding: No toxic or hazardous materials as defined under the Scituate Zoning bylaw will be used or stored on the premises. A note is located on Sheet 3 of 10 indicating such.

25. Section 770.6.G Site Plan Approval Standard G: Minimizing the volume of cut and fill, the number of trees of 6" caliper or greater removed, the length of stone walls removed, soil erosion, and destruction of other natural features.

Finding: The volume of fill has been kept to a minimum and is introduced for landscaping and on site drainage infrastructure. There are no natural features of any significance on site. The new landscaping will be a welcomed improvement to adjoining properties. No stone walls exist on the locus. It appears the Applicant complies with these requirements.

26. Section 770.6.H Site Plan Approval Standard H: Minimize obstruction of scenic views from publicly accessible locations.

Finding: No scenic views from publically accessible locations exist; and therefore; the Applicant complies with these requirements.

27. Section 770.6.I Site Plan Approval Standard I: Parking areas shall be adequately buffered and shaded using native vegetation. Parking lots with ten or more spaces shall be planted with at least one shade tree per ten spaces, of a caliper of at least 2 ½ inches dbh, with each tree providing shade to the parking area. Parking areas and visually degrading elements such as dumpsters and loading docks shall be designed to minimize visual intrusion from public ways and residentially owned or zoned areas. In addition, suitable screening of such areas by wood fences and dense, native evergreen hedges of five feet or more at time of planting shall be utilized. The use of chain link fences shall be avoided except in industrial areas. Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties. No outdoor light shall be located more than twenty feet above the ground.

Finding: The Board finds that the parking areas for the proposed Project will include garaged parking spaces and exterior parking spaces. The parking area is buffered from abutting properties by fencing or vegetation and shaded where possible by proposed trees which will be at least 2 ½" dbh thereby meeting the requirements of the Bylaw. Proposed lighting will be for security and safety purposes and will be down lighting to not shed light to adjoining properties.

28. Section 770.6.J Site Plan Approval Standard J: Safe, functional, and convenient pedestrian, bicycle, and where practical transit access, and continuity of the pedestrian and bicycle network within the property and to nearby pedestrian and bicycle facilities and trip generators.

Finding: The Board finds that the Applicant does not show any pedestrian or bicycle facilities other than a bicycle rack being present on site. There is currently no sidewalk along Old Country Way; however that is likely to change in the future with the ultimate completion of the Country Way sidewalk and mitigation monies from other projects.

Based on these findings, the Planning Board finds the Village Business Overlay District Special Permit meets the requirements under the Village Business Overlay District, Section 560 as the Project will be in harmony with the general purposes of this bylaw and the requirements of MGL Ch. 40 A.

Decision:

Based on the Findings of Fact and testimony provided at the public hearing, the Planning Board approved the Mixed Use Development Special Permit in the Village Business Overlay District for 14 -16 Old Country Way on November 12, 2020 with the following conditions:

General Requirements

1. All construction work shall be done in accordance with i) the plans submitted by Ross Engineering company, Inc. entitled "Site Plan for 14 – 16 Old Country Way in Scituate, Massachusetts", dated April 24, 2019 with revisions of 5/26/20, 6/22/20, 7/30/20, 8/27/20 9/18/2020 and 11/9/2020 and any additional revisions needed to conform to the conditions contained herein (the "Mixed Use Special Permit "); ii) Architectural Plans consisting of a Cover Sheet, Exterior Perspectives, Barn First Floor, Barn Second Floor, Barn Elevations, Housing Units First Floor, Housing Units Second Floor, Housing Units Exterior Elevations, Housing Units Exterior Elevations, Landscape Plan and Alternative Parking Plan with current revisions dated 8/15/20, 8/31/20, 9/3/20, 10/16/20, and 11/9/20 by Jill Neubauer Architects; iii) Stormwater Report by Ross Engineering Co., Inc. dated 4/24/19 with revisions as indicated below ; iv) Alternatives Analysis by Ross Engineering dated 8/28/20 with revisions through 10/27/20; v) Impervious Area Plan by Ross Engineering dated 8/17/20; vi) Soil Specifications dated August 15, 2020 by Bernice Wahler Landscapes and any additional revisions needed to conform to the conditions contained therein. Building elevations must be approved by the Town Planner prior to issuance of a building permit for conformance to submitted material.
2. Where this Mixed Use Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Mixed Use Special Permit, including, but not limited to approval of work by the Board of Selectmen and Department of Public Works ("DPW") in all public rights of way including Old Country Way. Construction shall meet all applicable federal, state and local laws and regulations including, but not limited to, those of the Scituate DPW, Fire Dept., Building Dept., Board of Health, Conservation Commission, Planning Board as well as the Massachusetts DEP and State Building Code. All necessary permits and approvals must be received prior to construction.
3. Construction shall meet all requirements of the Scituate Zoning Bylaw. All conditions of approval shall be inscribed on the Mixed Use Special Permit Plans prior to endorsement.

4. The Applicant shall mean the current Applicant and all its successors in interest. This special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause. The Planning Board may extend said period, for good cause shown, upon receiving a written request from the Applicant prior to the expiration of said period, which request shall provide a detailed description of the good cause necessitating an extension. A public hearing may be required.
5. The total number of residential dwelling units on the site shall not exceed six (6). There will be no affordable units within the six (6) units. The housing mix shall be six (6) two bedroom units. The total number of bedrooms shall not exceed twelve. A bedroom shall be defined in accordance with Title V of the State Sanitary Code. Massachusetts Architectural Access Board ("MAAB") requirements must be met. Four of the residential units in the west (residential) building will be owned and belong to the condominium association. The two residential units in the east (rear barn) building will be rental units and the owners of such rental units shall also belong to the condominium association.
6. The Applicant shall obtain the plan endorsement from the Planning Board for the Mixed Use Special Permit within 180 days of the expiration of the appeal period and this decision becoming final.
7. The uses allowed on the site shall be restricted to the uses allowed in the Zone A. Uses prohibited are in Section 520.6 of the Scituate Zoning Bylaw.
8. No vehicle washing is to occur on the site.
9. The units on the new buildings shall be numbered on the outside for identification, fire protection and emergency response purposes.
10. The third floor of the residential units in the west building, shall not be allowed for living space now or in the future.

Utilities, Parking, Traffic

11. Maintenance and repair of the driveway and parking areas (initial maintenance and repair only), stormwater management system, snow removal, lighting and landscaping shall be the responsibility of the Applicant until a condominium association is formed and responsibility for same has been transferred to the condominium association.
12. No outside parking is allowed for the two shops for plumbers, electricians or carpenters etc. for employees, visitors, tenants or owners. All parking for the shops shall be inside the shop building.
13. All parking is limited to designated spaces shown on the plan.
14. No permeable pavement is allowed now or in the future.

15. The shops may never be turned into residential living units.
16. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water in accordance with the policy made effective by the Board of Selectmen on October 8, 2014 and reaffirmed by the Scituate Water Commissioners on May 26, 2015. All irrigation systems installed in accordance with the policy must be supplied by on-site sources or private water suppliers at the expense of the property owner.
17. The Applicant shall consent to allow members and town officials of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. The Applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in the Special Permit Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
18. An independent inspector contracted or employed through the Town shall perform the required construction inspections according to Section 9.0 of the Subdivision Regulations. All required inspections shall take place and be inspected by the inspector including water and sanitary sewage facilities. The inspector shall be approved by the Town Planner and DPW and shall work under the direction of the Town Planner. Weekly written reports shall be submitted to the Applicant and the Planning Board stating results of any and all required inspections during construction unless more frequent reports are needed. Noise, dust and air quality control shall be in accordance with DEP regulations.
19. An easement shall be provided allowing the Condominium Trust access to drainage and stormwater management systems, including but not limited to the 24" underground concrete pipe culvert which traverses the Site, all of which will be privately maintained to allow inspection, maintenance and repair, and allowing the town access in case of an emergency or to test water quality if this is deemed in the public interest.

The Applicant shall also grant to the Town of Scituate, a right and easement to construct, repair, extend, operate, use and forever maintain all water mains, sewer mains and all surface and subsurface storm water drains in, through, or under the streets and easements as indicated on the Site Plan. The above shall not be construed to relieve the Applicant, and his successors in title, to ownership of a portion of land within the Applicant's property, nor diminish in any way his responsibility to complete all construction as required by the Applicant's agreements with the town and to thereafter maintain all utilities in satisfactory condition.

20. Construction of the proposed driveway and parking area, proposed drainage system, proposed water system and proposed sewer system shall be supervised by a registered professional engineer. Said supervising engineer shall certify in writing to the Planning Board and DPW at completion that the proposed roads, drainage system, water system and sewer system were constructed in accordance with the approved plans and that said systems are functioning in full

accordance with the approved design. The certification of the driveway and parking construction and utilities shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising registered professional engineer. Prior to issuance of an occupancy permit for any building, a registered professional engineer shall inspect the exterior of each building as necessary and certify to the Planning Board and Building Commissioner with his signature and stamp on an as-built plan, that the grading and stormwater management systems conforms to that shown on the Site Plan. The as-builts shall be reviewed by the Town's consulting engineer for compliance with the design and Special Permit and are functioning in accordance with design requirements and any variation in grade is immaterial and does not materially alter the performance of the stormwater system. The site development As-Builts including building structures, topography, driveways and parking areas, water, sewer, gas, cable, fiber optic, electrical and storm drainage infrastructure will be submitted in AutoCAD Format 2013 or higher or ESRI Interchange Format registered to the Massachusetts State Plane (Mainland) Coordinates, North American Datum of 1983 compatible with the Town's system along with stamped and signed copies of said plans.

21. All materials for utility construction shall meet DPW construction standards.
22. A street opening permit will be required for each individual utility connection.
23. The specifications for the planting soil and engineered soil mixture for the bio-retention areas submitted by Bernice Wahler Landscapes must be strictly adhered to. Prior to endorsement, these specifications shall be resubmitted and clearly demonstrate that the infiltration capacity of the engineered soil mixture meets the infiltration rate used in the stormwater calculations. A full detail with soils included must be included on the plans prior to endorsement.
24. A determination of the adequacy of the existing water service for the proposed use shall be provided by the Applicant to the DPW and the Town Planner for their approval prior to scheduling a pre-construction conference. Installation of all water mains and appurtenances shall be performed according to the specifications of the DPW Water Division. Any required upgrades, modifications or connections shall be at the Applicant's expense.
25. The Applicant shall obtain all necessary approvals for the use of Town sewer prior to scheduling a pre-construction conference. Any required upgrades, modifications or connections shall be at the Applicant's expense. Installation of all sewer mains and appurtenances shall be performed according to the specifications of the DPW Sewer Division. Copies of all necessary approvals shall be furnished to the Planning Board.
26. All replacement of, or connection to, Town sewer, drainage and the installation of water mains and appurtenances shall be performed according to the specifications of the Scituate DPW with an independent inspector contracted or employed by the Town to review the construction activity and assure compliance with the Town's rules and regulations. DPW personnel must be in attendance for any sewer, drainage and water infrastructure and appurtenance work in the Town rights of way. In addition, the following must be addressed to the satisfaction of the Town Sewer Division prior to the commencement of construction.

- a. Newly constructed sewer lines must be pressure tested in accordance with Town test standards and the test must be witnessed by the Sewer Division and/or by the Town's approved independent inspector.
 - b. A street opening permit for the sewer line shall be obtained; police details, if required for traffic management and safety, shall be provided through the Scituate Police Department and shall be the responsibility of the contractor.
 - c. Sewer permits are required and shall be obtained for each building. The lots at both 14 and 16 Old Country Way have been assessed a betterment for each lot. A sewer privilege fee of \$16,000 per sewer unit shall be owed for all connected buildings at the site beyond the betterments. The fee shall be paid in one lump sum prior to any water use from the site.
 - d. External cleanouts and viewports: Each building line should have an external cleanout.
 - e. The privately constructed sewer infrastructure will be owned and shall be maintained at all times by the Applicant.
 - f. A letter of acceptance from the Sewer Commissioners shall be provided to DPW, Sewer Division and the Planning Board.
27. The buildings, parking, driveway and required signage shall meet all applicable requirements of the ADA, MAAB and Scituate Commission on Disabilities.
28. All parking shall be constructed as shown on the Site Plan revised dated 11/9/2020 and Architectural plans revised through 11/9/2020.
29. No increase in perpetuity of impervious surface from 42.3% or 12,367 is allowed as the Site Plan represents a reduction from the existing impervious area of 44% and is located in the Zone A of the Water Resource Protection District which limits development to 20% impervious.
30. The Applicant shall ensure that signs, landscaping and other features located within the sight triangle areas of the Project site driveway intersection with Old Country Way are designed, installed and maintained so as not to impede lines of sight. (2.5 feet in height)
31. Any signs and pavement markings to be installed shall conform to the applicable specifications of the Manual on Uniform Traffic Control Devices (MUTCD). Any pavement markings in the public way shall be thermoplastic.
32. The Applicant shall ensure that the property manager promptly removes snow windrows located within the sight triangle areas of the Project site driveway intersection with Old Country Way that exceed 3.5 feet in height or that would otherwise inhibit sight lines. Sight line plans must be included in the plan set submitted for endorsement by the Planning Board.
33. Snow storage areas have been designated on-site. The Applicant shall ensure all maintenance personnel are informed of their locations. When on-site capacity is exceeded, an off-site location shall be used in compliance with all federal, state and local laws.

34. The Applicant has agreed contribute the sum of \$ 10,000.00 to fund a municipal study of the offsite traffic and pedestrian improvements and to fund in part traffic and pedestrian improvements in the greater Greenbush area. The Applicant shall provide such funds to the Town prior to commencement of construction. The funds shall be placed in an interest bearing account with expenditure of funds for only these said purposes approved by the Town Administrator after consultation with the Town Planner, Director of Planning and Development, DPW Director and the approval of the Planning Board, all of whom must concur.
35. Trash management shall be internal to each building. No dumpster is proposed. Any use of a dumpster in the future requires Planning Board approval.
36. All electrical, telephone, cable and similar utilities shall be located underground.
37. Except for the Town-owned segments of the sewer and water line (those inside property line are Applicant owned), all utilities including but not limited to the stormwater drainage system and 24" concrete pipe culvert shall be maintained by the Applicant according to the Operation and Maintenance Manual revised dated 11/9/2020 by Ross Engineering Co., Inc. and the Long Term Pollution Prevention Plan revised dated 8/5/2020 which are attached to this decision.
38. The Operation and Maintenance Plan and Long Term Pollution Prevention Plan shall be provided to all property owners and all tenants and occupants of the property as conditions of their ownership, lease or rental agreements.
39. The Operation and Maintenance Plan must be revised and resubmitted prior to endorsement to restrict salt for deicing and restrict pesticide and fertilizer use to none on site and to have no vehicle washing on site.

Phasing and Erosion Control

40. An Erosion Control Plan with preliminary sequence of construction has been provided. The plan shall be updated and provided to the Board prior to scheduling the pre-construction meeting and prior to commencement of construction. The plan shall be in compliance with the Wetlands Protection Act and Order of Conditions for the project.
41. Stockpiles must be located outside of the 100 foot buffer of wetland resource areas and be protected with erosion control.
42. The Applicant has indicated that the Project may be phased and construction of its two (2) buildings will be done at separate times with the barn building being constructed first. Completion of the buildings may occur at different times and the Applicant may seek a certificate of occupancy for each building upon its completion if it will not impact construction activities which shall be determined at the time of application for a certificate of occupancy. The project shall be constructed according to the Applicant's proposed construction sequencing which shall be provided to the Town Planner prior to construction and scheduling of the pre-construction conference.

Environmental Conditions: Noise and Dust

43. Site noise levels shall conform to the MassDEP's Division of Air Quality Control's Noise Policy. A baseline condition is encouraged to be taken and submitted to the Town Planner prior to the commencement of any construction activities.
44. The Applicant shall follow all regulations under the Massachusetts Department of Environmental Protection, 310 CMR 7.00: Air Pollution Control, 7.01 General Regulations to Prevent Air Pollution and 310 CMR 7.09 U Dust, Odor, Construction and Demolition. Per 310 CMR 7.09 U Dust, Odor, Construction, and Demolition water must be used to prevent excessive emission of particulate matter throughout the construction Project.
45. The Applicant shall not operate any concrete crushing machinery on the project site.

Landscaping and Site Amenities:

46. The Applicant shall obtain the approval of the Planning Board through the Town Planner if minor changes from the plan and/or details are needed for lighting, signage, paving materials, fencing or landscaping. Material selection shall be provided to the Town Planner for review for conformance to approved plans prior to installation.
47. A separate sign permit shall be required from the Building Department for any free standing signs. Signs shall be fully located on the Applicant's property and shall not block sight lines for traffic entry/egress from the site.

Architecture/Design:

48. The buildings shall be constructed in accordance with the architectural elevations submitted for the Project. The quality of materials, construction and colors shall not substantially deviate from those as shown on the elevations and discussed during the public hearing without the review and approval of the Planning Board.
49. The final building plans, stamped by a registered architect, shall be provided to the Planning Department prior to scheduling the pre-construction conference for review for consistency with the elevations and renderings described in Condition 1. If the plans appear inconsistent, approval by the Planning Board will be required.
50. A certification shall be provided by the architect to the Planning Board prior to a Certificate of Occupancy that the building as constructed is in substantial compliance with the approved plans.

Required Prior to Scheduling the Pre-Construction Conference

51. The Applicant has provided a draft Condominium Master Deed which in its final form must be reasonably satisfactory to Town Counsel. Pursuant to G.L. Ch.183 A, the Condominium Master Deed and Condominium Trust document must be recorded prior to any use of the units that comprise the condominium. The Condominium Master Deed and the Trust documents shall include:
 - a. A statement that the driveway, drainage system, sewer, landscaping, 24" concrete pipe culvert and other common areas shall be owned by the Applicant and shall be maintained by the Applicant and subsequent turnover to the condominium association, by the condominium association and shall not be maintained by the Town. The driveway, drainage system,

walkways at the site, landscaping, lighting, stormwater system and other common areas shall be inspected, maintained and repaired by the Applicant and, subsequent to the turnover to the condominium association, by the condominium association. This shall also be stated in a note on the plan.

- b. A requirement that: i) maintenance of the drainage system, parking, driveway, 24" concrete pipe culvert and landscaping shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer; ii) provisions for snow removal and maintenance of safe conditions through the winter of all vehicle and pedestrian ways has been provided; and iii) a description of the required annual maintenance of the driveway, parking area, landscaping, lighting and other common amenities.
 - c. A requirement that the Condominium Association maintain an account always containing a minimum of one year's costs for maintenance. A contractor's estimate of this maintenance and proof of the available funds in the account shall be provided to the Planning Board with the Agreement and annually by each January 31 following recording of the Master Deed.
 - d. A requirement that the Condominium Association notify the Planning Board of the name, address, phone number and email of the trustees within seven calendar days of their election and to provide an annual report of the maintenance activities to the Planning Office by January 31 of every year.
52. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
- a. Copies of the recorded special permit and plans;
 - b. A check to cover cost of inspections by the Town's consulting engineer. These shall include, at a minimum, inspections of Subdivision Rules and Regulations Section 9.0, for the driveway, parking area and stormwater management systems, water system, sanitary sewerage system, new curbing and erosion and dust control measures, as well as any specific requirements contained herein which may require review and/or inspections by the Town. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate, shall be subject to amendment from time to time and shall be supplemented by the Applicant as requested by the Planning Dept.;
 - c. A construction schedule including approximate dates for installation of erosion control and other site protection/stabilization, construction of the buildings, and all applicable items in Subdivision Rules and Regulations Section 9.0 and
 - d. A type and amount of surety provided by the applicant reasonably satisfactory to the Planning Board to cover the satisfactory completion of features shown on the site plan including landscaping, parking, drainage, signs, lighting and conditions imposed by the Board. The amount shall be based on the Applicant's contractors' estimates of the costs of these items, reviewed by the Town's consulting engineer and shall be approved by the Planning Board prior to the pre-construction conference. The type and amount of surety may be reduced based on completion progress with the approval of the Board.

Required Prior to the Start of Construction

53. Within two calendar weeks prior to the Applicant's notification to the Town Planner that it intends to commence any work on the project site, a pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Town Engineer and other DPW representatives as necessary, the Police Department, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board, DPW and Police Department. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
54. The property lines of the subject Property shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three business days prior to the start of construction. The property line shall be staked or pinned at all times during construction.
55. The location of the 24" concrete pipe culvert passing through the site shall be staked at all times during construction. Permanent markers shall be placed over the existing pipe following construction to protect and alert residents to the buried utility. (i.e. 4"x4" wooden posts with signage about the buried utility below).
56. A stabilized construction entrance and silt sock as shown on the Site Plan must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing. Construction fencing shall be required as necessary to comply with federal, state and local laws.

Required During Construction

57. Construction work shall not begin prior to 7:00 AM weekdays and 8:00 AM on Saturday and shall cease no later than 7:00 PM. No construction shall take place on Sundays or legal/federal holidays.
58. The Board reserves the right to require the consulting engineer to visit the site weekly or as often as necessary during construction.
59. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures are in place and approved by the Town Planner, Conservation Agent and/or Town's Consulting Engineer. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists. It is the Applicant's affirmative responsibility to ensure the maintenance and management of all stormwater control measures at all times during construction to ensure there are no increases in stormwater flow velocity or volume to abutting properties at any time during construction.
60. Construction activities on the site shall conform to the Town of Scituate General Bylaws.
61. No parking or unloading on Old Country Way shall be permitted during construction unless approved in advance and controlled at the same time by the Police Department. Construction vehicles shall use the designated construction access.

62. The Applicant shall notify the Town 48 hours in advance of any significant equipment and construction material arrival to the site which may cause a safety hazard or material disruption of the public way such that a police detail is necessary to ensure safe passage. Any Police detail required is at the expense of the Applicant and is required when the Police Department determines it is necessary.
63. The Applicant shall not allow any large construction equipment or trucks to stage or idle on public roads and shall not allow such equipment or trucks to idle onsite prior to 7:00 AM. Police details may be required for construction access or work within the layout of Old Country Way.
64. The Applicant shall provide the Town with the route(s) construction traffic will use so that if a safety hazard or material disruption of the public way impedes safe passage, a police detail would be obtained by the Applicant at its expense.
65. Construction activities shall be conducted in a workman like manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down or other proper storage and disposal methods.
66. No use of hydrants on-site or on adjacent roads off-site is allowed for construction use. A hydrant may be available at the water treatment plant for construction use during non-water ban times.
67. In an effort to reduce noise levels, the Applicant shall keep all equipment that emanates sounds from the structures or site in proper working order through regular maintenance.
68. Blasting, if necessary, shall be conducted according to all necessary permits and meet all of the requirements of the Scituate Fire Department.

Required Prior to Issuance of Occupancy Permits

69. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that the driveway, parking area and installation of necessary utilities is in full compliance with the approved plans and the special permit. Nothing herein shall be construed so as to preclude the Applicant from obtaining a Certificates of Occupancy for one of the Buildings prior to other Building; however, safe pedestrian, vehicle and public safety access and egress shall be required prior to the issuance of such certificates.
70. Prior to application for a Certificate of Occupancy, a copy of the contract for inspection and maintenance of the stormwater system per the Operation & Maintenance Plan and Long Term Pollution prevention Plan shall be provided to the Planning Office.
71. Permanent signs indicating the prohibited uses and requirements for handling of hazardous materials shall be installed in each commercial unit in a prominent location prior to obtaining a Certificate of Occupancy. Yearly verification of signage shall be submitted. Signage shall be submitted for review and approval by the Town Planner.
72. Following review and approval by the Planning Board, the Condominium Master Deed and Condominium Association Documents shall be recorded at the Registry of Deeds prior to the Building Department's issuance of any occupancy permit. Proof of recording must be provided to the Planning Board.

Administration

73. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
74. This Special Permit shall run with the land and shall be void if it is not recorded at the Registry of Deeds within 120 days of expiration of the appeal period or such extension of that time period granted by the Planning Board following approval of this Special Permit. The Applicant shall provide proof that the Special Permit was recorded to the Planning Board.
75. The Planning Board may in its discretion waive or modify conditions of this Special Permit at a duly called meeting of the Board if the Board determines that such waiver or modification is insignificant and does not materially adversely affect the purpose of this special permit decision.
76. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with M.G.L. Chapter 40A, Section 9.
77. All plan sheets of the Mixed Use Development Special Permit Site Plan shall be recorded at the Registry of Deeds.
78. All construction work shall be done in accordance with the plans.

Vote:

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Mixed Use Special Permit in the Village Business Overlay District at 14 – 16 Old Country Way with the conditions noted above.

November 12, 2020

Date

SCITUATE PLANNING BOARD

Apa Burbide
Patricia Lambert
Steph R. Pollock
William J. ...
B. ...

This decision was filed with the Town Clerk on November 23, 2020
date

Appeal of this special permit may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.

This special permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds, after the expiration of the appeal period of twenty (20) days.

The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of this decision with the Town Clerk. The Planning Board further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the comments and suggestions of other boards which have reviewed and made comments on the plans

OWNER/APPLICANT

Robert Proctor
75 Gilson Road
Scituate, MA 02066

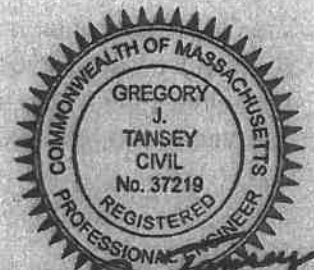
LOGS

14-16 Old Country Way
Scituate, MA 02066

April 24, 2019
Rev. June 30, 2020
Rev. Aug. 14, 2020
Rev. Oct. 27, 2020
Rev. Nov. 9, 2020

ENGINEER

Ross Engineering Co., Inc.
683 Main Street
Norwell, MA 02061
781.659.1325



Gregory J. Tansey

OPERATIONS & MAINTENANCE PLAN - BMP STANDARD 9

Standard 9 requires proponents to prepare a plan designed to maintain the BMP control structures after construction of the project has been completed. Chapter 1 in Volume 1 of the Massachusetts Stormwater Handbook (page 23) Standard 9 is defined as follows:

A Long-Term Operation and Maintenance (O&M) Plan shall be developed and implemented to ensure that the stormwater management system function as designed.

The Long-term Operation and Maintenance Plan shall at a minimum include:

1. *Stormwater management system(s) owners;*
2. *The party or parties responsible for operation and maintenance, including how future property owners will be notified by deed reference of the presence of the stormwater management system and the requirement for proper operation and maintenance;*
3. *The routine and non-routine maintenance tasks to be undertaken after construction is complete and a schedule for implementing those tasks;*
4. *A plan that is drawn to scale and shows the location of all stormwater BMP's in each treatment train along with the discharge point;*
5. *A description and delineation of public safety features; and*
6. *An estimated operations and maintenance budget.*

The O&M Plan contains or refers to all the required components (items 1-6 listed above), of the approved Stormwater Management Plan. The O&M Plan also provides the legal mechanism to put the owner(s) on notice that such a plan exists and their legal obligations to fund and implement the above stated approved Operations and Maintenance Plan.

Post Construction Operation and Maintenance Plan

The owners of the stormwater management system shall be the Condominium Association for the proposed buildings at 14-16 Old Country Way in Scituate, MA. A transfer in ownership of any condominium unit shall constitute a transfer in ownership of the stormwater management system. The record owners of the condominium units shall all be members of the Condominium Association at 14-16 Old Country Way in Scituate, MA, and shall be jointly and severably responsible to fund and ensure the timely implementation of the operation and maintenance obligations described in this plan.

OPERATION:

Upon the completion of the construction of the project infrastructure including the parking area, and the water quality BMP Structures and appurtenances, and the disturbed areas having been permanently stabilized, the Operation and Maintenance Plan shall be implemented to ensure that the stormwater management system will function as intended.

Stormwater from mostly impervious areas will be collected by either the Subsurface Recharge Systems (SRS), the bio retention system, and the shallow lawn basin and will be disposed of by recharge in accordance with the system design. Other discharges of clean runoff will discharge off site via overland flow or via overland sheet flows.

Maintenance

A.

The Condominium Association shall hire qualified professionals to perform the inspectional requirements prescribed in this Operations and Maintenance Plan, said professionals referred to hereafter as the "Inspector". The minimum qualifications of the Inspector are as follows: The Inspector must be a landscape or similar business entity in the Commonwealth of Massachusetts and have at least 2 years of experience in the design of stormwater management systems and conducting inspectional services. Additionally, should the need arise for major maintenance, the Condominium Association shall hire only qualified professionals certified to do such work. No material modifications to the System design shall be undertaken without prior review and approval from the Planning Board.

1. Roof Gutters & Downspouts:

Roof gutters shall be inspected and cleared of any debris in the late fall after the trees have shed their leaves. Downspouts and splash pads shall also be inspected, flushed or otherwise cleared of any debris. Roof gutter

maintenances will serve to maintain intended drainage patterns and can prevent potentially harmful ice dams from forming at roof soffits.

If overflow discharges are observed, the drain lines connecting them to the SRS shall be snaked to ensure there are no clogs in the line.

2. Parking Lot Pavement Maintenance:

The proposed paved parking areas shall be periodically swept during dry weather to reduce the potential amount of sediment accumulation from the runoff. The sweeping should be conducted on a semiannual basis before April 30th and after November 15th. Salt used for de-icing on the parking lot during winter months should be limited as little as possible as this will reduce the need for removal and treatment. Sand containing the minimum amount of calcium chloride (or approved equivalent) needed for handling may be applied as part of the routine winter maintenance activities.

Leaf litter should be removed from the parking lot during the autumn months as this debris will eventually be deposited into the stormwater management system. Refuse and other windblown litter shall be removed upon detection. The parking lot shall be policed on a regular basis for litter. Litter patrols shall be conducted on an informal basis with primary attention being made to the areas where dumpsters are rolled out on collection day.

3. Roof Gutters:

The roof gutters shall be cleaned out once per year to prevent organics from entering the subsurface recharge systems (SRS 1 & 2). The developer shall install gutter guards or some other device for the prevention of leaf litter from being deposited in the gutters.

4. Sub-surface Recharge System SRS:

The covers to the SRS shall be opened and visually inspected once per year in the spring for deposits of debris. If any debris or sediments are observed at the bottom of the chambers in depths of 2" or greater, it shall be removed by hand, or vacuum removal. Particular care shall be made to the inlet drain lines to ensure no evidence of clogging is eminent. Any sediments accumulated in the invert of the inlet pipe shall be removed.

The Inspector shall also make note of any standing water conditions. Should prolonged standing water be observed in the SRS systems, inspector shall initiate protocols to ascertain the cause and remedy pertaining to this condition. The Condominium Association shall implement any such necessary remedies. It is recommend that an additional inspection should occur within 3 days of a rain event >0.5" of rain to confirm no standing water is system.

6. Lawn and Landscape Care:

A well maintained law can offer significant aesthetic value to the owner's business and community as well providing environmental benefits. Such benefits include recharge, erosion control, and temperature moderation. The lawn areas shall be maintained per the standard landscape and lawn care protocols commonly performed for green areas. All lawn clipping shall be disposed of properly. Yard waste shall not be disposed of in any resource area.

7. Pesticides, Herbicides and Fertilizers:

The subject property is located in a Zone A surface water supply. Pesticides and herbicides shall be used in accordance with the prescribed concentrations. In addition, the quantity of fertilizers that are used should be minimal and be restricted to the use of organic fertilizers only.

8. Bio filtration system

The bio filtration system shall be inspected in the spring by a qualified landscaper to ensure that all the plants are health and have survived the pervious winter months. Any dead or diseased plant shall be replaced in the spring of that year. The old mulch shall be removed and discarded and replaced each spring. Any debris found on the sand filter shall be removed. The sand filter shall be raked level at elevation 29.0' (1.1' below the top of the retaining wall closest to the side property line) and restored if needed with cement sand.

The planting bed shall be pruned and maintained throughout the year as part of the landscaping operations. Leaf litter and other accumulated debris shall be removed as part of a scheduled maintenance operation or on an as needed basis.

9. Shallow Lawn Basins

The shallow lawn basins shall be mowed and the same lawn care shall be applied to the shallow lawn basin as the rest of the lawn and green scape areas. The Shallow Lawn basin shall be visually inspected at each mowing. Any signs of erosion shall be restored with loam and seed upon discovery. Any sediment deposits shall be removed by hand. All leaf litter and windblown debris shall also be removed by hand raking or other acceptable non-intrusive means. No lawn clippings shall be mulched into the shallow lawn basins.

10. Lawn Drain

The lawn drain located in the front lawn area shall be visually inspected each time the lawn is mowed. The visual inspection shall include the removal of any debris, organic or man-made that is obstructing the lawn drain grate or has the eminent potential to obstruct it. The cover of the grate shall be removed and visually inspected to ensure the vertical pipe supporting the grate and the elbow connected at the bottom end of the vertical pipe is free of any form of debris. If debris is observed in the vertical pipe or the invert of the elbow

connected at the bottom end of it, then the debris shall be removed immediately. If the pipe needs to be snaked or vacuumed to extract debris from the pipes leading into the recharge system, then the work shall be scheduled and performed as soon as possible.

11. Bio Retention Inlet Spill Protection System-6" Trench Drain

The bio-retention system is equipped with a spill protection device located just before the inlet spillway to the Bio-retention system along the entire length of the inlet spillway (see attached sketch). The spill protection device consists of a 6" wide trench drain running along the length of the inlet spillway of the bio retention system. The spillway discharges into the containment pond via a 3" sch 40 PVC pipe.

The inspector shall inspect the trench drain once per year in the spring time for sand and debris accumulations. Any sediment, sands and debris shall be removed and disposed of offsite. The 3" PVC drainline into the containment pond shall be flushed to ensure it is free and clear of sediment accumulations.

The containment pond shall be visually inspected for debris and sediment accumulations. Any debris observed shall be removed and disposed offsite. Any plants that have died or have been damaged shall be replaced. The 3" PVC shutoff valve shall be exercised by opening and closing it to ensure that it is operational. The valve is to remain open for normal operation. If the shutoff valve is broken or otherwise non functional, it shall be replaced promptly.

The inspector shall visually inspect the condition of the 8" PVC lawn inlet frame and grates and verify that they are operational and clear of debris. The inspector shall also verify that the 4" PVC treaded cap is in the stainless steel bracket.

12. Reporting

All post construction maintenance activities will be documented and kept on file by the Condominium Association. The Inspector shall submit all inspection reports to the owner(s) within 30 days. Structural BMP's as identified on the site plans located within the parking lot will be owned and maintained by the Developer until such time of a transfer in ownership to the Condominium Association occurs. All BMP's located within site shall be owned and maintained by the Developer until such time the system is transferred to the Condominium Association. The Condominium Association at all times shall keep proper records and accounts of the affairs of the System which shall be open to inspection by any Official of the issuing authority at all reasonable times. The Condominium Association shall keep on going maintenance records of the System going consecutively back to the 3 prior years.

The Condominium Association shall be responsible for all costs associated with the maintenance of System.

Estimated Annual Maintenance Budget

BMP STRUCTURE	EST. AVG. ANNUAL MAINTENANCE COST
INSPECTIONAL SERVICES	\$1000.00
GUTTER AND DOWN SPOUT MAINTENANCE	\$100.00
PARKING LOT MAINTENANCE	\$800.00
RECHARGE SYSTEM MAINTENANCE	\$300.00
SPILL SHUTOFF DEVICES	\$100.00
BIO FILTRATION SYSTEM	\$300.00
LANDSCAPE MAINTENANCE	\$2200.00
TOTAL	\$4800.00

Field Log for Inspections

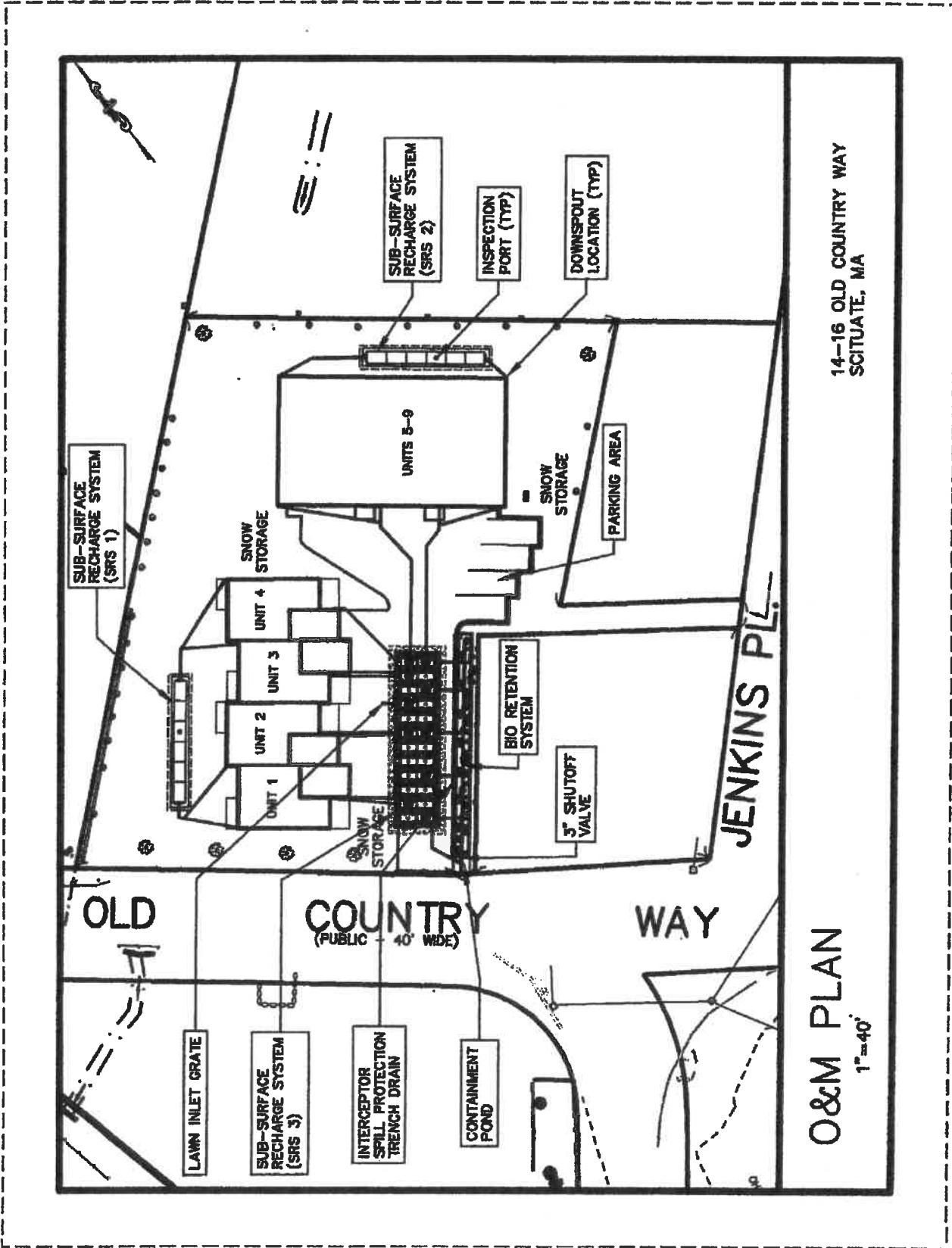
Commercial Condominium Units at 14-16 Old country Way in Scituate, MA

Date: _____

Inspector: _____

Component	Functioning Properly	Debris removal required	Maintenance Needed	Comments
Gutters Down Spouts				
Parking Lot				
Recharge System				
Landscaping				
Bio filtration system				
Spill Protection Sys.				

Appendix A



14-16 OLD COUNTRY WAY
SCITUATE, MA

JENKINS PL.

OLD COUNTRY WAY
(PUBLIC - 40' WIDE)

O&M PLAN
1"=40'

ALTERNATIVES ANALYSIS STORMWATER MANAGEMENT DESIGN OPTIONS

*Scituate Administrative Stormwater Permit
and
DEP Stormwater Permit*

*August 27, 2020
Rev. October 27, 2020*



OWNER/APPLICANT

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LOGUS

14-16 Old Country Way
Scituate, MA 02066

ENGINEER

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781 659 1325



Alternatives Analysis-Stormwater Management System

Introduction

The following narrative is an alternatives analysis justifying the proposed stormwater management system as being superior to other various stormwater management system design options that can be installed on the site known as 14-16 Old Country Way in Scituate, MA. This alternatives analysis was recommended as the entire site is located in a Zone A, which is a protective buffer to public surface water supplies and their tributaries. The applicant is allowed to infiltrate treated stormwater into the on-site portion of the Zone A as a matter of right as both the project is a redevelopment project as defined and confirmed by the DEP, and the applicant is not proposing to discharge any stormwater into the Zone A as defined by 314 CMR 3.04 (2)(a) 1 or (b).

Alternative Design Options

The various available stormwater management system designs as identified below were considered for this project. Each design option has its pros and cons that are also identified and discussed which ultimately were used to determine the optimal design.

Option 1 – No Build Option

The No Build Option would leave the site in a condition where 44% of the site's area would remain in an impervious condition with absolutely no stormwater treatment controls present. Under the current condition, the western portion of the site discharges unclean and untreated stormwater onto Old Country Way where it then proceeds to flow directly into an open ditch downhill of the locus which is a direct tributary to the Greenbush reservoir. Likewise the eastern portion of the site discharges unclean and untreated stormwater off site that enters the 24" RCP pipe that discharges into the same downhill open ditch tributary to the Greenbush reservoir that the western portion of the site discharges into. The No Build Option results in an adverse environmental condition to the Scituate's surface water supply with absolutely no economic benefit to the Town. The present site use consists solely of the residential use opposed to the mixed use allowed by zoning. The mixed use is allowed in this district to promote public and economic benefits. The No Build Option would deny the community of all the potential benefits that this property has to offer.

The project as proposed will treat all unclean runoff to 96% TSS removal, which is the highest possible level of treatment, and then recharges it in an area of the site furthest from the Zone A tributary. As such the Town and community will receive all the benefits of a mixed use project with greater environmental protection.

Option 2 – Permeable Pavement

The project, as originally submitted, had a much greater density than the current proposal. The greater density was achieved by having a significantly less impervious cover through the use of permeable pavement. Permeable pavement is an excellent BMP practice as it offers 80% TSS pretreatment and 96 % total TSS treatment of stormwater, it does not generate point source discharges, requires less dicing treatments such as

sand and salt applications, and its maintenance requirements are easy, cost effective, and when maintenance is needed, it is in the open and visible.

Permeable pavement is not allowed in a Zone A. As such it is not a viable option

Option 2 – Conventional Closed Piped Drainage Systems.

A conventional closed pipe drainage system was considered even though the BMP standards prefer the decentralized country drainage systems that uses vegetation in the treatment train process. The closed loop drainage system would require several catchbasins and offline secondary treatment structures to meet the 44% pretreatment requirement. It would also limit the areas needed for recharge from being optimally sited, such as siting drywells furthest from the Zone A. Multiple catchbasins and secondary treatment structures require greater maintenance and provided multiple sources for hazmat spills to enter the stormwater management system. The greater the complexity of the Stormwater Management System the greater the chances for things to go wrong. The maintenance burden also increases with complexity. Simplicity and efficiency go a long way in assuring maintenance is done properly and consistently and closed pipe systems often times are not the most efficient available option.

Option 2 was not chosen as it provides only 44% TSS removal for the pretreatment of stormwater and is more susceptible to spill contamination whereas the chosen option provides 80% TSS removal for the pretreatment and is less susceptible to spill contamination.

Option 3 – The Proposed Bio-retention System.

The proposed Bio-retention System is the best stormwater management system option for the redevelopment of this site for the following reasons:

- The Bio-retention system offers an 80% TSS pretreatment removal rating opposed to only a 44% TSS pretreatment removal rating like Option 2.
- The Bio-retention system uses natural vegetation which offers superior treatment and aesthetic value.
- The Bio-retention system is easy to maintain and if vegetation is in need of extra care or replacement, the need is visible and will not go undetected for long periods of time.
- The Bio-retention system has an easy to use spill prevention shutoff valve to prevent hazmats from entering the system.
- The Bio-retention system can be optimally located as far away as possible from the Zone A source (24" RCP).
- The Bio-retention system offers a 96% TSS total treatment removal rating.
- The Bio-retention system does not create a point source discharge or any other source of erosion.

- All components of the Bio-retention system, including the subsurface recharge units, are accessible and easy to maintain.

Conclusion

As can be seen from the above descriptions of the options investigated, the Options 1 and 2 had only some of the benefits of Option 3. Option 3 has at least 8 benefits with no substantial downsides whereas Options 1 and 2 have considerably less benefits with greater downsides.

LONG TERM POLLUTION PREVENTION PLAN

Scituate Abingdon Sewerage Treatment Plant

Wastewater Treatment Plant

April 24, 2019
Rev. June 30, 2020
Rev. Aug 5, 2020

OWNER/APPLICANT

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75 Gilson Road
Scituate, MA 02066

LOGS

14-16 Old Country Way
Scituate, MA 02066

ENGINEER

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683 Main Street
Norwell, MA 02061
781 659 1325

Long Term Pollution Prevention Plan

The following plan is an outline of suitable practices for source control of contaminants and pollution control that can desecrate the performance of BMP Structures. This plan or elements of it may be incorporated as ongoing conditions of the Stormwater Permit if the Planning Board deems it appropriate.

The following practices when implemented with due diligence will yield substantial benefits pertaining to the functionality and performance the stormwater system.

Good House Keeping

Adapting good housekeeping policies within the premises can reduce a variety of contaminants. Windblown litter and debris typically is a source of pollution and is unsightly. Non-biodegradable materials such as plastics can clog inlets and other components of the stormwater system. They can also prevent the growth of vegetation and become a source of erosion. The following practices will have a significant and positive impact on the stormwater system:

- Properly store all refuse in covered containers
- Use containers with covers that cannot be opened by animals
- Home owners should police common areas for windblown litter

Storage of materials and waste Products

Owners should not store any refuse receptacles near BMP Structures vulnerable to windblown sources of pollution.

- Refuse should be bagged and covered within receptacles.
- All receptacles should be stored within a closed area so as to prevent being blown over or knocked over by animals.
- There shall be no exterior storage of open refuse, waste products, or debris.
- Organic materials from landscaped areas shall be bagged and removed for legal disposal, or composted in an approved bin located outside of any stormwater BMP.

Proper grounds keeping is essential to the life and performance of a stormwater management system.

- Leaf litter should be kept out of the BMP filtration/recharge and other conveyance and impound structures.
- The disposal of grounds keeping wastes within stormwater impounds or other structures is strictly prohibited.

- Home Owners should never use areas designated for stormwater attenuation, storage and collection waste receptacles.

Vehicle washings

Discharges from vehicle washings should be discharged sparingly into Stormwater BMP Structures. Home owners should adhere to the following practices when washing their vehicles.

- The use of harsh chemicals and degreasing agents should not be used if BMP Structures incorporate vegetation as treatment processes (forebays, grass swales, etc.) If the washing necessitates the use of degreasing agents or harsh chemicals, the homeowner should consider washing the vehicle at a commercial carwash.
- No vehicle washing should be conducted that directly flushes hydro carbon, lubricants, or coolants to any BMP Treatment Train.
- No vehicle washing should be conducted where a direct discharge into a BMP Infiltration Structure will occur.
- Wash buckets should not be directly discharged into BMP structures. Allowing a discharge to flow by overland flow is more preferable and can be flushed and diluted by flushing with clean water.

Routine Inspections

Routine inspections can be done quickly and visually in most cases. Frequent inspection can save on costly repairs in the future and provides aesthetic benefits as well and are therefore greatly encouraged. A little bit of common sense goes a long way. Homeowners are encouraged to adhere to the following practices:

- Educate themselves on the basic functions of the system components.
- Make observations as they pass by BMP components for potential or obvious problems.

Spill Prevention and Response

Spill preventions are easily avoided. The use of proper equipment will almost always prevent spills. Activities requiring the transfer of harmful fluids from one container to another should be performed in a designated area. The following policy to conduct such transfers should be implemented and be strictly adhered to:

- The designated area should be set on a level impervious surface having a shallow perimeter wall so as to contain spills and to facilitate and expedite cleanups should a spill occur.
- The designated area should be located far enough away from sensitive BMP Structures so as not to be a threat to them and if possible be located down gradient. If possible, the designated area should be in a covered area or be able to be covered so that it will not become a source of pollution from stormwater runoff.
- Access to equipment necessary to clean up spills should be stored in the vicinity of the designated area so as to prevent pollution and make cleanup readily available.

- The spill of any petroleum product greater than 2 gallons shall be immediately reported to the Scituate fire department at 781-545-8748 or 911 if it is an emergency.
- Other than the limited use of fuel for lawn maintenance and snow removal equipment, the outdoor transfer of liquids such as paint and other potential pollutants between containers shall be avoided.
- There shall be no on site storage of materials not typically associated with normal household use.
- Home owners are hereby notified of the spill protection device located in front of and along inlet spillway to the Bio-retention system consisting of a 6" wide trench drain that discharges into the containment pond via 3" sch 40 PVC pipe.
- Additionally there is a shutoff valve for the 6" wide trench drain that discharge to the containment pond. This shut off valve is to remain open during normal operational conditions. The shutoff valve is 3" treaded ball and union located at the retaining wall separating containment pond from the bio retention system. This shutoff shall be exercised at least once per year in the spring by opening and closing it several times to prevent seizure.

Maintenance of lawns and gardens, and other landscaped areas

All yard and wastes from landscaped area shall be properly disposed of. Much of the BMP maintenance can be performed intrinsically through the employment of a quality landscaping contractor. Removal of litter and debris on a regular basis is a predominant component of BMP inspection and maintenance and is therefore greatly encouraged.

Storage of fertilizers and pesticides

All harmful and potentially harmful chemicals shall be stored in areas where migration of such chemicals into a stormwater system will be highly unlikely.

- Home owners shall responsibly store chemicals within water tight receptacles with latching covers that serve to prevent spillage.
- Fertilizers and some form of pesticides typically are purchased in bags that once opened and partially used can spill easily from the bag. Transferring the unused volume of chemicals into a plastic container with a latching cover is a good storage practice.

Pet waste management

Pet owners should be considerate of their abutting fellow citizens of their communities. What is not widely understood about pet wastes is the habits of pets going continually in the same place during the daily walks can have adverse impacts on vegetation. More particularly if the vegetation being destroyed is a component of a BMP Structure such as a rain water garden, the effective treatment of stormwater will be compromised. The following practices should be adhered to as a practical measure to prudent and considerate pet waste management:

- Train your pet to relieve itself in a designated area of *your* yard prior to walking and not in common areas or private properties owned by others.

- Clean up after your pet and dispose of waste matter responsibly.
- Always keep your pet leashed, never let your pet roam free.
- Discourage your pet from going in the same place over and over. Animals tend to do this so as to mark their territories.

Proper management of deicing and snow

The storage of all deicing agents shall be stored and dispensed as prescribed in the protocols contained in the above sections of this plan for the Storage of Materials and Spill Prevention and Response.

Deicing agents should be applied in concentrations necessary to ensure safe vehicular and pedestrian access to the facility. Dispersion of deicing agents should be performed with the proper equipment required for the amount to pavement. Facility owners have little control over municipal equipment used for the deicing of roads. However calls into the town's DPW to ensure that all no salt zones are being observed can have a positive impact toward the due diligence of being in compliance with such ordinances.

Most owners have control over their driveways. Proper and adequate clearing and removal of snow will reduce the use of deicing agents. Snow should be removed with shovels and plows to the greatest extent practicable. At a minimum, the entire paved area should be cleared of snow prior to the application of deicing agents.

Whenever possible snow removal should be stored or piled in suitable areas having the following parameters:

- Snow storage areas should not result in a snow melt discharge on to areas of pavement generating a residual need for more applications of deicing agents.
- Snow storage areas should not be located at intersections so as to produce hazardous blind drives or reduce sight distances.
- Snow storage areas should not be located in detention basins or in areas that could cause damage other BMP Structures particularly those that rely upon various forms of vegetation to provide stormwater treatment.
- Deicing agents should be mixed with sand to reduce the amount of chemicals such as salt. Environmentally sensitive areas may warrant the exclusive use sand as a deicing agent to prevent other deicing chemicals from contaminating wells or destroying vegetation.

Proper management of sediment accumulations on traveled impervious ways

The Homeowner should implement a good protocol for minimizing the accumulation of sediments on driveways. Practices may include any combination of the following initiatives:

Source Control

Street sweeping

Removal of silt accumulations with hand brooms

Removal of silt accumulations with hand shovels